

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Independent claims 1, 7, 13, 14, 19 and 24 have been amended to more clearly recite the features of the present invention whereby the control apparatus transmits radiographing order information to a portable terminal, the radiographing order information is updated in the portable terminal according to radiographing, and the portable terminal then transmits updated radiographing order information to the control apparatus. That is, the independent claims have been amended to more clearly recite the distinguishing feature of the present invention whereby the radiographing order information stored in the storage section of the control apparatus is updated to reflect actually performed radiographing.

In addition, independent claims 1 and 7 have also been amended to more clearly recite the feature of the present invention whereby the management section of the control apparatus updates the stored radiographing order information when the received updated radiographing order information does not agree with the stored radiographing order information.

Still further, dependent claims 2-6, 8-12, 15-18 and 20-23

have been amended to better accord with their respective amended independent parent claims.

It is respectfully submitted that the amendments to the claims are supported by the disclosure in the specification at, for example, page 66, line 21 to page 67, line 1, page 71, line 22 to page 73, line 3, and page 74, line 20 to page 77, line 8.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

RE: THE PRIOR ART REJECTION

Claims 1, 2, 6-8, 12-13, 31-34, 40-42 and 44-46 were rejected under 35 USC 103 as being obvious over USP 6,954,767 ("Kanada") in view of USP 6,678,703 ("Rothschild"); and claims 3-5, 9-11, 14-30, and 43 were rejected under 35 USC 103 as being obvious over Kanada in view of Rothschild and further in view of USP 6,611,846¹ ("Stoodley"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended independent claims 1, 7, 13, 14, 19 and 24, the control apparatus transmits radiographing order information to a portable terminal,

¹ The Examiner has incorrectly cited USP 6,661,846 ("Ota") instead of USP 6,611,846 ("Stoodley") in the outstanding Office Action. Stoodley, however, has been correctly listed on the Notice of References Cited by the Examiner.

the radiographing order information is updated in the portable terminal according to radiographing, and the portable terminal then transmits updated radiographing order information to the control apparatus. That is, according to the present invention as recited in amended independent claims 1, 7, 13, 14, 19 and 24, the radiographing order information stored in the storage section of the control apparatus is updated to reflect actually performed radiographing.

By contrast, it is respectfully pointed out that Kanada merely teaches a technique for searching a desired image from databases according to search information from a search requestor, and for transmitting a search result including textual information to the search requestor. In addition, it is respectfully pointed out that Rothschild et al is merely directed towards a transmission system for medical images. And it is respectfully submitted that even if the teachings of Kanada and Rothschild et al were combinable in the manner suggested by the Examiner, such combination would still not achieve the features of the claimed present invention.

More specifically, it is respectfully submitted that if the teachings of Rothschild et al were applied to the system of Kanada as suggested by the Examiner, the result would be a system in which Kanada's terminal 16 or workstation 15 (not including an obtaining section, storage section and communication section) is

replaced with a portable terminal. And it is respectfully submitted that neither Kanada nor Rothschild et al discloses, teaches or suggests transmitting radiographing order information from a control apparatus to a portable terminal, updating the radiographing order information in the portable terminal according to radiographing, and then transmitting the updated radiographing order information from the portable terminal to the control apparatus, as according to the claimed present invention as recited in the amended independent claims.

In the Office Action, the Examiner asserts with respect to claim 1, for example, that the image recording modalities 12 and 13 of Kanada correspond to the obtaining section of the present invention, that the archiving apparatuses 17 and 18 of Kanada correspond to the storage section of the present invention, and that the radiology department information system (RIS) 11 of Kanada corresponds to the communication section of the present invention. It is respectfully pointed out, however, that the terminal 16 and workstation 15 of Kanada clearly do not function to transmit radiographing order information from a control apparatus to a portable terminal, update the radiographing order information in the portable terminal according to radiographing, and then transmit the updated radiographing order information from the portable terminal to the control apparatus, as according to the claimed present invention as recited in the amended

independent claims. In particular, it is respectfully pointed out that the image recording modalities 12 and 13 of Kanada obtain image data, whereas the obtaining section and obtaining step of the claimed invention obtain identification information of a cassette.

In addition, it is respectfully pointed out that the image server 14 of Kanada merely judges whether or not a condition included in received information is identical to one of conditions set as past-time delivery conditions, in order to determine whether or not it is necessary to search image data (see Kanada at column 19 lines 4-9), whereas the determination section and determination step of the claimed present invention determine whether or not received updated radiographing order information agrees with the stored radiographing order information in order to update the stored radiographing order information.

Still further, it is respectfully pointed out that the examination order information in Kanada (see column 18, lines 65-66) is merely used for specifying an image to be subject to pre-fetch processing, whereas the radiographing order information according to the claimed present invention is used as an instruction for actual radiographing of a patient.

With respect to Rothschild et al, moreover, it is respectfully pointed out that this reference merely discloses a

remote image viewing system 40 for receiving and displaying electronic records sent from a central data management system 30 (see column 18 last paragraph, and column 24 lines 24-47), whereas the portable terminal of the claimed present invention transmits updated radiographing order information to the control apparatus.

In radiographing there may sometimes occur the case where a radiographing condition previously set in the control apparatus, such as the number of images, is changed in actual radiographing performed in a radiographing room. For example, the following cases happen quite often: (i) a case where the number of images set for a certain patient is more than the number of actually radiographed images (for example, a case where only two images are radiographed for Patient A while three images are set to be radiographed); and (ii) a case where the number of images set for a certain patient is less than the number of actually radiographed images (for example, a case where four images are radiographed while three images are set to be radiographed for Patient B). In these cases, simply overwriting the radiographing order information of the control apparatus will cause a discordance between the radiographing order information of actual radiographing and the stored radiographing order information, when it is not confirmed whether or not the received updated radiographing order information agrees with the stored

radiographing order information. If not properly handled, radiographing order information of one patient may be erroneously stored as another patient's information.

The structure of the present invention as recited in amended independent claims 1 and 7 makes it possible to correct the radiographing order information of the control apparatus, even in the above cases. Namely, according to the present invention as recited in amended independent claims 1 and 7, the stored radiographing order information is updated to the received updated radiographing order information when it is determined that the received updated radiographing order information does not agree with the stored radiographing order information. And it is respectfully submitted that neither Kanada nor Rothschild et al discloses, teaches or suggests this feature of the present invention as recited in amended independent claims 1 and 7.

In summary, according to the present invention as recited in each of amended independent claims 1, 7, 13, 14, 19 and 24, the radiographing order information stored in the storage section of the control apparatus is updated to reflect actually performed radiographing. In addition, according to the present invention as recited in amended independent claims 1 and 7, the stored radiographing order information is updated to the received updated radiographing order information when it is determined that the received updated radiographing order information does

not agree with the stored radiographing order information. And it is respectfully submitted that Kanada and Rothschild et al do not disclose, teach or suggest these features of the claimed present invention as recited in the amended claims.

Accordingly, it is respectfully submitted that amended independent claims 1, 7, 13, 14, 19 and 24, and claims 2-6, 8-12, 15-18 and 20-23 respectively depending therefrom, all patentably distinguish over the cited references, taken singly or in any combination, under 35 USC 103.

RE: THE DOUBLE PATENTING REJECTION

Claims 1-46 were also rejected on the ground of nonstatutory double patenting over claims 1-46 of copending Application Serial No. 10/684,355 (the '355 application).

It is respectfully submitted, however, that the claims of the '355 application do not relate to updating radiographing order information stored in the storage section of a control apparatus to reflect actually performed radiographing, as according to the present invention as recited in amended claims 1-24.

It is also noted that on page 3 of the Office Action the Examiner asserts that the authentication section of claim 1 of '355 application corresponds to the determination section of claim 1 of the present application. It is respectfully pointed

out, however, that the authentication section of claim 1 of the '355 application is provided in the portable terminal and merely performs authentication of an operator of the portable terminal based on stored operator identification information, whereas the determination section of claim 1 of the present application is provided in the control apparatus and determines whether or not the received updated radiographing order information agrees with the stored radiographing order information.

Accordingly, it is respectfully submitted that amended claims 1-24 of the present application are clearly patentably distinct from the claims of the '355 application.

* * * * *

In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
DH:jd
encls.